

REMARKS

Information Disclosure

Applicants have filed an Information Disclosure Statement (IDS) and a Request for Continued Prosecution (RCE) to ensure entry of the IDS.

Claim of Priority

Applicants filed the Certified Priority Documents for JP 2001-153345 and JP 2001-344010 on February 18, 2004. An indication that these documents were safely received would be appreciated.

Status of Claims

Claims 1-21 and 23-27 remain pending.

Claim Objections

Applicants have amended claims 1, 2 and 9 to overcome the claim objections noted by the Examiner. In particular, Applicants have adopted the suggestions proposed by the Examiner.

35 U.S.C. §102 and §103

Claims 1-2, 9, 17 and 18 stand rejected under 35 U.S.C. § 102 as being anticipated by Judd et al; claims 3, 8, 11, 16, 19 and 24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Judd in view of Sato; claims 4, 6-7, 12, 14-15, 20 and 23 stand rejected under 35 U.S.C. § 103 as being unpatentable over Judd in view of Kakuta; and claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Judd in view of Polyzois et al. Applicants request reconsideration of the rejections for the following reasons.

Each of independent claims 1, 9 and 17 includes in the claimed combination a storage subsystem having a plurality of storage devices connected to a host computer. Further, each of these claims requires that each of the plurality of storage devices control RAID level cooperatively. The Examiner relies upon Judd, which discloses a data transferring system, for disclosing a plurality of storage devices that control RAID level cooperatively, referring to column 3, lines 61-65 of the reference. However, Applicants respectfully traverse the interpretation given to Judd in the Office Action.

In particular, Judd merely discloses that the disk drives are arranged in one or more arrays, such as for RAID 0, 1, 3 or 5. At any given time, each array is controlled by a single adapter and all accesses to the array flow through that adapter. Accordingly, one having ordinary skill in the art would interpret the reference as merely disclosing a plurality of disk drives forming a RAID being controlled by a single adapter. Accordingly, the reference is silent with respect to disclosing the claimed plurality of storage devices connected to a host computer that control RAID level cooperatively, as set forth in claims 1, 9 and 17. Accordingly, Judd cannot be relied upon in the manner set forth in the Office Action to anticipate claims 1-2, 9, 17 and 18. Therefore, the 35 USC § 102 rejection should be withdrawn.

Judd is the primary reference used in the rejection of the claims under 35 U.S.C. §103(a). However, none of the secondary references of Sato, Katuta, Polyzois disclose or suggest the deficiency in the Judd reference with respect to teaching that each of the plurality of storage devices control RAID level cooperatively. Therefore, claims 3-4, 6-8, 10-12, 14-16, 19-20, 23 and 24 are patentable over the combination of

Judd and any of the secondary references applied in the 35 U.S.C. §103(a) rejections. Accordingly, the rejection should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, reconsideration and reexamination are respectfully requested.

Respectfully submitted,


John R. Mattingly
Registration No. 30,293
Attorney for Applicants

MATTINGLY, STANGER & MALUR
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314
(703) 684-1120
Date: August 26, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner For Patents and Trademarks,
Alexandria, VA 22313-1450

on August 26 2004 by John R. Mattingly